

# **EXHIBIT 1**

Volume 6

Pages 946 - 1175

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

SONOS, INC.,	)	
	)	
Plaintiff and	)	
Counter-Defendant,	)	
	)	
VS.	)	<b>NO. C 20-6754 WHA</b>
	)	Related Case No. <b>C 21-07559 WHA</b>
GOOGLE, LLC,	)	
	)	
Defendant and	)	
Counter-Claimant.	)	
_____	)	

San Francisco, California

Friday, May 12, 2023

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS**

**APPEARANCES:**

For Plaintiff/Counter-Defendant:

ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, California 94105

**BY: CLEMENT S. ROBERTS, ATTORNEY AT LAW**  
**ELIZABETH R. MOULTON, ATTORNEY AT LAW**

ORRICK, HERRINGTON & SUTCLIFFE LLP  
777 South Figueroa Street, Suite 3200  
Los Angeles, California 90017

**BY: ALYSSA M. CARIDIS, ATTORNEY AT LAW**

**(APPEARANCES CONTINUED ON FOLLOWING PAGE)**

REPORTED BY: Marla F. Knox, CSR No. 14421, RPR, CRR, RMR  
United States District Court - Official Reporter

## PROCEEDINGS

1 because you know how busy they are. They're busier than even a  
2 district judge, and so I'm -- and they may not have understood  
3 the significance of it and the priority dates and leaving to  
4 the judge later to figure out does this sentence count for  
5 purposes of a 2005 priority or for purposes of a 2018 priority.  
6 If it's 2018, then maybe the Google system predates your whole  
7 thing and your patent is invalid. Maybe.

8 **MR. SHEA:** So, Your Honor --

9 **THE COURT:** But just a second.

10 You led me to believe, Mr. Pak, that 5B came in in 2018.

11 **MR. PAK:** I apologize if that was the impression. I'm  
12 talking about 5B with that sentence. 5B with that sentence.  
13 Without that sentence, 5B does not get you to overlapping zone  
14 scenes. That sentence is critical to understand how you go  
15 from Figure 5B.

16 **THE COURT:** All right. We've got -- is the jury  
17 ready?

18 **THE LAW CLERK:** Yeah.

19 **THE COURT:** All right. Hang on a minute.

20 I want additional briefing.

21 **MR. PAK:** Thank you.

22 **MR. SHEA:** Thank you, Your Honor.

23 **THE COURT:** I want to know -- and I want it by Sunday  
24 night at 5:00 p.m., not 8:00 p.m., and I -- and I want to  
25 understand the legal significance of an appendix: Is it part

## PROCEEDINGS

1 of the specification? What does it mean?

2 The priority date -- there's, in my mind, a 50-50 chance  
3 that these patents are invalid because the Google system  
4 predated them because it was inadequate written description  
5 prior to that date, and that's the very reason you snuck it in  
6 there.

7 That's my suspicion. You're sitting around the conference  
8 room there at the Sonos saying "How can we -- we don't have a  
9 good enough description. Maybe we better -- let's move this  
10 in."

11 Now, maybe -- maybe the law is, "Oh, no, this counts as  
12 part of the appendix. It counts." But, to my mind, the whole  
13 point of the written description is to teach the world how to  
14 do it. If you have to go find something in some appendix  
15 that's online, that's crazy. What a crazy way to run a system.

16 So I -- I feel like there's a significant written  
17 description issue here with respect to the claims in suit. Do  
18 not slide off of that. I want to know case law that deals with  
19 appendixes priority dates laid it out.

20 **MR. PAK:** Thank you, Your Honor.

21 **THE COURT:** Now, I want to know something. Was there  
22 anything else in 2018 or '19 that was snuck into the  
23 specification? Even one word I want to know.

24 **MR. PAK:** I'll go back and check. I don't know.

25 **MR. SHEA:** I can address that, Your Honor. I know the

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

DATE: Friday, May 12, 2023



Marla F. Knox, CSR No. 14421, RPR, CRR, RMR  
United States District Court - Official Reporter